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U. S. ARMY CORPS OF ENGINEERS PUBLIC HEARING
FOR THE PORT OF LONG BEACH

REPORTER' S TRANSCRIPT OF PUBLIC HEARING
TAKEN ON
MONDAY, SEPTEMBER 22, 2003
HELD AT THE PORT OF LONG BEACH
925 HARBOR PLAZA
LONG BEACH, CALIFORNIA

LISA ANN VARGAS, C. S. R. NO. 12049

1 APPEARANCES OF THE STAFF:

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DR. AARON ALLEN, Regulatory Branch Chief

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DR. ROBERT KANTER, Director of Planning

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TOM JOHNSON, Manager of Environmental Planning

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STACEY CROUCH, Environmental Specialist

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APPEARANCES OF THE PUBLIC SPEAKERS:

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1. DON MAY,

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2. JANET GUENTHER,

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1 LONG BEACH, CALIFORNIA, MONDAY, SEPTEMBER 22, 2003

2 6:00 0' CLOCK P. M

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5 MR. KANTER: Good evening, ladies and gentlemen.

6 We're going to start the proceedings now. I was going
7 to wait a couple of minutes for those straggle-ins, but
8 we're going to start on time.

9 My name is Bob Kanter. I'm the director of
10 planning and environmental affairs for the Port of Long
11 Beach. Tonight we're continuing the public hearing for
12 the Pier J South Terminal Redevelopment Project, Draft
13 Environmental Impact Statement/Environmental Impact
14 Report, Application Summary Report to receive public
15 comment in accordance with the National Environmental
16 Policy Act, California Environmental Quality Act and
17 California Coastal Act and the Port Master Plan. Those
18 in the audience wishing to comment on this project I
19 encourage to sign in at the front door on the speaker
20 sign-in sheet.

21 At this time I would like to introduce
22 Dr. Aaron Allen of the U. S. Army Corps of Engineers who
23 will summarize the Corps' role in permitting the
24 proposed project tonight. Aaron.

25 MR. ALLEN: Good evening. My name is Aaron Allen

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1 with the U. S. Army Corps of Engineers Regulatory Branch.

2 I'm the Senior Project Manager for the Pier J South

3 Terminal Improvement Project.

4 The Corps is currently considering a permit
5 application submitted by the Port of Long Beach to
6 discharge dredge and fill material in approximately 115
7 acres of waters in the United States associated to
8 redevelop and consolidate two existing terminals at the
9 Port of Long Beach.

10 On August 13th, 2003 a Notice of Availability
11 was published in the Federal Register announcing the
12 availability of the revised Draft EIS/EIR for the Pier J
13 South Project. On August 15th, 2003 a Public Notice was
14 circulated soliciting comments on the proposed project.
15 The Corps will be accepting any written comments
16 concerning the proposed project until October 3rd, 2003.

17 Under our Federal Permit Program, the Corps of
18 Engineers is responsible for regulating the discharge of
19 dredge and fill material in the waters of the United
20 States. The proposed project is regulated under both
21 Section 404 of the Clean Water Act and Section 10 of the
22 Rivers and Harbors Act. Because Federal Permit
23 qualifies a major federal action, the Corps must also
24 comply with the National Environmental Policy Act. Due
25 to the size of the proposed project, the Corps

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1 determines if there are potentially significant impacts
2 that would require an Environmental Impact Statement for
3 the proposed project.

4 For the purposes of this discussion, I will
5 concentrate on the decision-making process of the Corps

6 of Engineers and let the other members of the panel
7 discuss the specific components for the proposed
8 project.

9 The three main components of our Corps' permit
10 process is the 404(b)(1) guidelines, the National
11 Environmental Policy Act, and the public interest
12 determination.

13 In order for the Corps to issue a 404 permit
14 for the discharge of dredge and fill material in the
15 waters of the United States, the proposed project must
16 comply with the 404(b)(1) guidelines and cannot be
17 contrary to the public's interest.

18 The 404(b)(1) guideline provides specific
19 criteria for evaluating the effects of the discharge of
20 dredge and fill material in waters of the United States
21 and includes an in-depth examination of the effects of
22 the proposed project on the human use, physical,
23 chemical, biological parameters of marine environment.

24 In conclusion, based on the public interest
25 determination, the alternatives analysis and input from

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1 the public, the Corps of Engineers will make a final
2 permit decision for the proposed project.

3 The Corps of Engineers is prohibited by our
4 regulations from issuing a permit unless we are
5 convinced that the proposed project represents the least
6 environmental damaging practical alternative that meets
7 the overall project purpose.

8 At this public hearing the Corps is requesting
9 input from the general public concerning the specific
10 physical, biological and human use factors that should
11 be evaluated in greater detail in the final
12 Environmental Impact Statement/Environmental Impact
13 Report.

14 The Corps would like to emphasize that we will
15 carefully consider all comments that we receive as part
16 of this public review process. All comments will be
17 given full consideration as part of our final permit
18 decision.

19 At this time I would like to introduce
20 Dr. Robert Kanter again to provide some overview of the
21 specific components of the proposed Pier J South
22 Terminal Improvement Project.

23 MR. KANTER: Thank you, Dr. Allen.

24 The first thing that I am going to describe is
25 some of the administrative action that has already taken

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1 place on this document, and then we'll talk specifically
2 about the project proposal and the alternatives. And
3 we'll talk about some of the other environmental impacts
4 related to the project. First will be administrative
5 actions.

6 In June of 2001 the Corps of Engineers and the
7 Board of Harbor Commissioners authorized the
8 distribution of the Draft Environmental Impact
9 Statement, an Environmental Impact Report, Application
10 Summary Report and Port Master Plan Amendment for the

11 proposed Pier J South Terminal Redevelopment Project.

12 In September of 2001 based on the magnitude of
13 the comments received during the initial public review
14 period, the Corps decided to significantly revise the
15 draft document and reissue them for a second public
16 review.

17 On December 19th, 2002 the Corps and the Board
18 authorized distribution of the revised Draft
19 Environmental Impact Statement/Environmental Impact
20 Report, Application Summary Report and the Port Master
21 Plan Amendment Number 18.

22 In April 2003 based on new information
23 affecting the documents, the Port and the Board decided
24 to revise the draft documents again and to reissue them
25 for further public review. The Port Master Plan

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1 Amendment Number 18 did not need to be revised.

2 On August 18, 2003, the Corps and the Board
3 authorized distribution of the revised Draft
4 Environmental Impact Statement/Environmental Impact
5 Report and the Application Summary Report. On October
6 3rd the public review period will end.

7 The proposed Pier J South Terminal Development
8 Project would be located on Pier J in the Southeast
9 Harbor Planning District.

10 This slide shows Pier J as it is currently
11 configured with approximately 270 acres of land under
12 lease to Pacific Maritime Services and occupied by

13 Pacific Container Terminal.

14 Four alternatives were evaluated for this
15 project site; a no-project alternative whereby the site
16 would remain currently as shown, a 115 acre landfill
17 alternative, a 75 acre landfill alternative and a
18 52 acre landfill alternative.

19 The 115 acre alternative will consist of five
20 phases. Phase one would develop approximately 52 acres
21 of the new landfill southwest of and adjacent to Pier J.
22 Phase two would develop 20 acres of the new landfill and
23 of wharf and include the demolition of 15 acres off the
24 end of Pier F. Phase three would renovate the existing
25 facilities of Pier J.

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1 Phase four would create approximately 43 acres
2 of landfill in the eastern slip of Pier J.

3 And the last phase, phase five, would
4 construct a new gate complex. The entire project would
5 result in 100 acres of net fill because of the creation
6 of open water by removal of the end of Pier F.

7 The second alternative consists of four
8 phases. Phase one would develop approximately 32 acres
9 of new landfill southwest of and adjacent to Pier J
10 South. Phase two would renovate existing facilities on
11 Pier J. Phase three would develop 43 acres of new
12 landfill in the eastern slip of Pier J. And phase four
13 would construct a new gate complex.

14 The 52 acre alternative would be completed in
15 one phase and would develop 52 acres of landfill from

16 the southwest and adjacent to Pier J.

17 The proposed project would have both positive
18 and negative environmental impacts. The main positive
19 impact would result in improved container handling
20 efficiency at the terminal, reduce truck traffic between
21 the terminal and off-site intermodal container transfer
22 facility, and an increase in employment opportunities
23 during both construction and during operation.

24 The major adverse impacts would result in
25 construction and operational air emissions from vessels,

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1 rail and vehicular traffic. A toxic air contaminant
2 health risk analysis was conducted for the operational
3 impacts of each alternative. No significant increase in
4 air toxic health risk would result from any of the
5 alternatives considered, but there would be a cumulative
6 air toxic health risk from the project. In addition,
7 the project could result in increased susceptibility to
8 damage from local or regional earthquakes.

9 With regard to the Coastal Act and Port Master
10 Plan issues, the Port Master Plan guides development
11 into the Port by describing anticipated developments in
12 each harbor district. The 115 acres, 75 and 52 acre
13 landfills proposed for the project are not included in
14 the current recertified Port Master Plan. However, the
15 proposed project would meet the goals of the Coastal Act
16 by increasing the operating efficiency of an existing
17 Marine Terminal through minor landfill thereby delaying

18 the need for major landfill projects.

19 The Port Master Plan Amendment Number 18 would
20 add up to 115 acres of landfill proposed for the project
21 for the Southeast Harbor Planning District, anticipated
22 project section of the Port Master Plan. The amendment
23 would also allow the use of approximately 100 acres of
24 the available Bolsa-Chica Mitigation credits to mitigate
25 the impacts associated with the net amount of marine

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1 habitat that would be filled. When certified, the Port
2 Master Plan Amendment Number 18 would delegate
3 permitting authority for the landfill portions of the
4 project to the Board of Harbor Commissioners.

5 There are other permits and actions required
6 for this project to occur. This project requires the
7 Port Master Plan Amendment, as stated above, a Board of
8 Harbor Commissioners Harbor Development permit, a City
9 of Long Beach Planning and Building permit, a U. S. Army
10 Corps of Engineers permit and a Regional Water Quality
11 Control Board Waste Discharge permit.

12 If there are any persons wishing to speak
13 regarding this project, please make your presentation
14 brief and to the point, no more than five minutes.
15 Please avoid any duplication of previous speakers.
16 Speakers should, if at all possible, provide written
17 copies of their comments to the board so that those
18 comments can be accurately recorded. With that, I would
19 like to open up to the hearing.

20 Are there any speakers? I'll call the first

21 speaker. Don May of the Earth Corps. I notice there
22 are people in the audience. If you would like to speak,
23 please sign in at the front door.

24 Don May.

25 MR. MAY: My name is Don May, California Earth

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1 Corps. Thank you very much and I will be brief. Our
2 written comments are still being worked on and are
3 almost entirely addressed to the air sections.

4 The first was under just the category of
5 security. There has been a lot of new data that has
6 come out on tsunamis recently. You've seen it, I'm
7 sure, looking at, whatever you call, avalanche
8 landslides underwater in the channel. That data that
9 I've seen indicates that you could see a tsunami up to
10 30 feet that could come in. That would run up in the
11 area that high. That, of course, would probably happen
12 in association with an earthquake. And the numbers I
13 have seen looked at a magnitude of 7.2 as being the
14 capability of Inglewood/Newport fault. And that just
15 came up with some other proceeding that we're involved
16 in where the applicant had said that 7.2 would be about
17 a .5 magnitude Gs of maximum acceleration. The USGS
18 said it is more like .75. We, of course, pointed out
19 that the Inglewood/Newport fault back in '33 generated a
20 number of instances where it was over 1 G. The court
21 said half and two thirds -- or half and three quarters,
22 we'll make it two thirds in terms of a design basis for

23 a power plant.

24 I think that that holds true here, but you
25 really should look at slip faults generate a very large

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1 Z axis. All you've looked at is X and Y. The Z axis
2 acceleration is the one that would do the most damage to
3 the Port facility.

4 In particular, while there is another thing
5 too called focusing where a reflected wave hits and
6 likely to run off the beach that does most of the
7 damage. But particularly the damage you look for here
8 would be pipe breaks, as well as the kind of damage that
9 evildoers might do to the harbor. In any one of those
10 scenarios, what you really need is a seismic or manual
11 trip that would shut off gas and oil and all of the
12 pipelines that could do serious disruption.

13 Likewise, with energy, we've all seen what
14 happened with the grid failure back in the east coast
15 recently. This area is particularly susceptible to grid
16 failure. Edison likes to say, it is better to light one
17 2500 megawatt nuclear power plant than curse the
18 darkness. We would say, it is better to light 2 and a
19 half billion candles. It is a lot more reliable.

20 The buzz word these days is called distributed
21 generation, which ties right in with cold ironing. We
22 hope that the Port might consider multiple generation
23 for not only cold ironing, but security and to make the
24 grid much more dependable and less susceptible whether
25 it is natural or man-made disasters, make it better able

1 to survive in the event of any of those things. If you
2 haven't -- if you're not familiar with distributed
3 generation, I'll leave you a copy of a month-old issue
4 of Power Engineering that goes with the increased
5 reliability that results.

6 In terms of water, all of you are familiar
7 with the proceedings which started with a review over
8 contained aquatic disposal. One of the sites that is
9 particularly good is putting what we believe are some
10 serious contaminated sediments into these plastic bags
11 inside of fills. I think that's a good way to dispose
12 of these, regardless of which species and what the
13 concentration of what the contaminants might be, but
14 there is no consideration, I don't believe, over a liner
15 or some sort of containment within Pier J and S. Is
16 that not true, Tom? No, Tom. No, there is no liner
17 being considered.

18 MR. JOHNSON: Of course there is a liner.

19 MR. MAY: There is a liner?

20 MR. JOHNSON: Yes.

21 MR. SPEAKER: Sorry, I didn't see that.

22 MR. KANTER: Don, we just want to take your
23 testimony today.

24 MR. MAY: If there is a liner, I'm delighted to hear
25 that. I didn't see notes on that. I'll withdraw that.

1 Most of our concerns, of course, are over air
2 quality. While we will cover those in detail, let me
3 point out that three years ago a number of Earth Corps
4 folks were over in France and noticed the heavy use of
5 diesel all through France. If we have a problem here --
6 and as you know we look at diesel emissions and
7 particulate emissions as being the third leading cause
8 of death within the south coast region -- it is
9 substantially worse in France, or I should say was.

10 In two years they converted a nation from
11 diesel to biodiesel, in two years. Now, granted that's
12 a social democratic country that relies on central
13 planning. Nonetheless, what the experience was -- and
14 our California rep was -- is now in fact over there, the
15 benefits are immediately apparent. One of them is, as
16 they converted to biodiesel, the cost went way down.

17 I would think that as some mitigation for the
18 incremental impact of Pier J, just looking at the
19 additional load to the south coast air basin, one thing
20 that you could do to mitigate that would be to supply
21 biodiesel, maybe even not one hundred percent. If you
22 only went to 20 percent where the balance is sulphur
23 oil, you could get a 78 percent reduction in
24 particulates.

25 The Port is in the unique position to be able

1 to provide that biodiesel to folks, truckers in
2 particular, but also for your on-shore power generation
3 to cut down those emissions and mitigate, neutralize,
4 offset the increase in particulates to the basin.

5 We're also very concerned that even though you
6 look at PM 10, PM 2.5, of course, is the one that causes
7 the most concern. The smaller you get, the bigger the
8 impacts. Repeatedly through the EIR it points out that
9 PM 10 and smaller, and I believe what you're talking
10 about is PM 10 and larger. Perhaps you could enlighten
11 me, Dr. Johnson, if I'm wrong on that as well because
12 that's an important part of our concerns?

13 MR. KANTER: Don, you're at eight minutes. If you
14 could conclude your remarks.

15 MR. MAY: Thank you very much. I appreciate your
16 attention. We will get our comments in. As I said, it
17 will mostly be restricted to the air quality impact, and
18 we'll get it in by the 3rd. Thank you so much for your
19 time.

20 MR. KANTER: Thank you. Janet Guenther.

21 MS. GUENTHER: Hi. My name is Janet Guenther. I'm
22 actually from San Pedro, one of the advocates for
23 cleaner air and better aesthetics from the Port of L. A.

24 I'm a little taken aback from the lack of a
25 crowd here today because we have become -- and perhaps

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1 because the Port of L. A. is under our noses a little bit
2 more obviously, at least we have a lot more people that
3 seem to be concerned about the growth of the Port, both

4 ports.

5 My comments today really I feel inept because
6 I have not read the Pier J EIR. So I am not equipped
7 with that information. I will review it and submit
8 written comments to it. I have questions because it
9 says that it is not going to increase traffic and it is
10 not going to increase pollution to any degree. All I
11 can think about is if the terminal is increasing and the
12 amount of cargo is going to be more, how can you not
13 increase the traffic and the ships that come in to bring
14 this cargo? Does anyone have an answer to that?

15 MR. KANTER: Janet, we're here tonight to take your
16 testimony. We will, when we receive your questions,
17 respond to those formally in the document, and hopefully
18 we'll be able to address all your concerns.

19 MS. GUENTHER: It seems uncanny to me, and it seems
20 there will in fact be an increase certainly in ships.
21 Whether they are bigger ships or whether it is going to
22 take more trucks to remove the cargo from the terminal,
23 I would think that that would increase your emissions.

24 Along the same lines as Don May, the
25 measurement of the 2.5 to understand what the levels are

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1 now has never really truly been done, as far as I know,
2 in the Port, at least in the Port of Los Angeles. And
3 the answer to us has always been that they do not have
4 the ability to properly measure 2.5. And in speaking to
5 Andrea Rico from USC, she says they have hand-held

6 monitors that register those kinds of figures, even now
7 at this point in time.

8 I would hope that the Port would carefully
9 evaluate and attempt to facilitate the huge health
10 problems that we are facing now with the pollution that
11 we keep increasing on a daily basis through our business
12 efforts to expand and make more money day by day. It's
13 going to -- a lot of the impacts of creating jobs is --
14 and the jobs that you're creating here, you're also
15 losing industry jobs because what you're doing is
16 building foreign exports instead of maintaining our own
17 industries here in this country. I think it is a
18 serious concern.

19 We are short-visioned. We need to look into
20 the future. We need to look at the ramifications of
21 operating the way we do and the losses we encumber from
22 doing that. It is reckless and it is silly. There is
23 going to be a point in time when everybody turns around
24 and says, "What have we done to ourselves?" I think
25 we're pretty much there.

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1 I would express concerns along the same line
2 as Mr. May, the issue of the tsunami I also have written
3 down. I know that Dr. Costas at USC has said that the
4 tsunami potential in the Ports of Long Beach and L. A.
5 are huge. It wouldn't take too much. There are two
6 earthquake landslide areas. Both of them are equivalent
7 to the size that was in New Guinea that caused waves 50
8 feet high. And also with the narrow channels of that,

9 the amplification factor is enormous.
10 So those are my concerns this evening, and I'm
11 sure my written comments will bring you even more.
12 Thank you.
13 MR. KANTER: Thank you. Are there any more people
14 in the audience who would like to address the group?
15 Okay. If there are no more comments regarding
16 this project, I'm going to close the public hearing. I
17 would strongly encourage you to submit your written
18 comments. Please note the date that we would like to
19 have them by.
20 Janet, if you haven't got a copy of the
21 document or you haven't read it, I would encourage you
22 to do that. We can supply you with one. Can we do it
23 tonight -- we'll get your address -- no, we don't have
24 your address. If you want to give us something to mail
25 it to you or pick it up --

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1 MS. GUENTHER: I could pick it up. I need as much
2 time as I could get. It is pretty big.
3 MR. KANTER: Sure. We could get one for you
4 tomorrow.
5 MS. GUENTHER: Great.
6 MR. KANTER: Thank you.
7 (Whereupon the proceeding adjourned
8 at 6:33 o'clock p.m.)
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1 STATE OF CALIFORNIA)
2 COUNTY OF RIVERSIDE) ss.

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4 I, LISA ANN VARGAS, certified shorthand reporter,
5 License No. 12049, do hereby certify:

6 That the proceedings contained herein were taken
7 before me at the time and place herein set forth and was
8 taken by me in shorthand and thereafter transcribed into
9 typewriting by me, and I hereby certify that the said
10 proceedings are a full, true and correct transcript of
11 my shorthand notes so taken.

12 I further certify that I am not interested in the
13 event of the action.

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WITNESS my hand this 7th day of October 2003.

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LISA ANN VARGAS, CSR NO. 12049

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